IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 6314 of 2007

DHAGLA RAM

V/S

JUDGE,ADDL.CIVIL JUDGE (J.D.) JOD.& ORS.

Mr. ANUJ KALA, for the appellant / petitioner

Date of Order : 3.10.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner, perused the impugned order.

In the totality of circumstances, I do not find any error in the impugned order requiring interference in my writ jurisdiction. The writ petition is, therefore, dismissed summarily.

It is significant to note that this Court vide order dated 15.9.2006 had granted only one opportunity to the petitioner to cross-examine the defendant's witness, that did not mean that on that ground, the petitioner would go on getting the case adjourned from dates after dates, and either not start the cross-examination, and if started, would not complete, and go on filing applications after applications, like one under Order 14 Rule 5, and other under Order 26 Rule 9, and ought we know, as to what other applications may be filed making use of the entire CPC. This conduct of the petitioner cannot be countenanced. The learned trial Court is directed to expeditiously complete the cross-examination, provided the petitioner had started cross-examination on the next date of hearing, that was fixed in the trial Court, after the High Court's order dated 15.9.2006, and not otherwise, and to decide the case most expeditiously.

(N P GUPTA),J.